

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE

APPLICATION NUMBER E3187 (55-AREA)

MEMORANDUM DECISION

Exchange Application Number E3187 (55-AREA), in the name of G. Eugene England, was filed on October 25, 1993, to exchange 1.0 acre-feet of water as evidenced by Contract with Central Utah Water Conservancy District. The 1.0 acre-feet of water is to be released into Provo River and, in lieu thereof, 1.0 acre-feet of water will be diverted from a well located North 250 feet and East 1465 feet from the W $\frac{1}{4}$ Corner of Section 31, T5S, R4E, SLB&M, and from a spring located North 190 feet and East 1465 feet from the W $\frac{1}{4}$ Corner of Section 31, T5S, R4E, SLB&M. It is proposed to use the water for the irrigation of 0.14 acres and the domestic purposes of one family.

The application was advertised in The Wasatch Wave from November 10, 1993, to November 24, 1993, and was protested by Central Utah Water Conservancy District stating that the applicant did not have a contract with the District for the water. The applicant has since produced evidence that a contract has subsequently been granted with the District for 1.0 acre-foot of water.

The State Engineer is of the opinion that this exchange can be approved provided certain conditions are met.

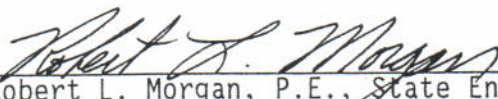
It is, therefore, **ORDERED** and Exchange Application Number E3187 (55-AREA) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The applicant shall maintain in good standing a contract with Central Utah Water Conservancy District for 1.0 acre-foot of water; otherwise the application and the right to divert and use water hereby granted shall lapse.
- 2) The applicant shall install means by which all water can be measured.
- 3) The duly appointed River Commissioner on the Provo River shall release 1.0 acre-foot of water from Deer Creek or Jordanelle Reservoirs for this exchange as needed.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

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Dated this 9th day of February, 1994.


Robert L. Morgan, P.E., State Engineer

RLM:JER:ap:mw

Mailed a copy of the foregoing Memorandum Decision this 9th day of February, 1994, to:

G. Eugene England
1775 Andrus Lane
Provo, UT 84604

Stanley H. Roberts, Jr.
1675 South 350 East
Orem, UT 84058

Lee Sim, Assistant State Engineer

BY: 
MaClovia White, Secretary